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In the Matter of the Claim of:

MARIO GOMEZ and AWILDA GOMEZ,

Claimants,

-against-

SLEEPY HOLLOW POLICE DEPARTMENT and Police
Officers known as DETECTIVE QUINOY, ELDRYK
EBEL, MIKE GASKER, LIEUTENANT BARRY CAMPBELL,
LIEUTENANT HAYES, SERGEANT HOOD, CHIEF OF
POLICE JIMMY WARREN and JOHN DOES NO. 1-4
whose names are presently unknown, and THE
VILLAGE OF SLEEPY HOLLOW,

Respondents.

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HELD AT: Young & Bartlett, LLP
81 Main Street Suite 118
White Plains, New York 10601
March 30, 2007 1:55 p.m.

Deposition of the Claimant,
AWILDA GOMEZ, held pursuant to Section 50-h
of the General Municipal Law of the State of
New York, held at the above time and place
before a Notary Public of the State of New
York.

J & L REPORTING SERVICE
of Westchester, Inc.
200 East Post Road
White Plains, New York 10601
(914) 682-1888
Nancy P. Tendy, Reporter

A P P E A R A N C E S :

YOUNG & BARTLETT, LLP
Attorneys for the Claimants
Mario & Awilda Gomez
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BY: KATHRYN ANNE VOLPER, ESQ.

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Office & Post Office Address
The Esposito Building
240 Mineola Boulevard
Mineola, New York 11501
BY: JENNIFER E. SHERVEN, ESQ.

A. GOMEZ

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AWILDA GOMEZ, residing at
residing at 1 River Plaza, Apt.
4E, Tarrytown, New York 10591,
having been duly sworn by
Notary Public, Nancy P. Tendy,
testified as follows:

EXAMINATION BY

MS. SHERVEN:

Q. Good afternoon, Mrs. Gomez. My
name is Jennifer Sherven. I'm from the law
firm of Miranda, Sokoloff, Sambursky,
Verveniotis, and we represent the
Respondents, the Village.

I'm going to be asking you a
series of questions today regarding your
claims. If at anytime you do not understand
my questions, please tell me, and I will
rephrase the question, okay.

A. Okay. Is better you talking a
little slow, okay.

Q. Okay. If at anytime you don't
understand me or need me to speak slower,
just let me know.

A. Okay, fine.

A. GOMEZ

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Q. And please respond verbally to every question because the Court Reporter is taking down everything that we say here.

A. Yes.

Q. Do you have any physical or mental conditions that could interfere with your ability to testify here, today?

A. Not really mental or physical, but this problem affect me a lot.

Q. When you're referring to this problem, what are you referring to?

A. I am referring to what happened on the 17th, the problem with my case, with my husband. I was there and everything. I saw everything what happened at the night, and they changed my life, the day the 17th to today.

Q. Is there some reason that that is going to interfere with your ability to testify, here, though?

A. No. No. No.

MS. SHERVEN: I move to strike the portion that's nonresponsive.

Q. Is there any other reason why

A. GOMEZ

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1
2 you wouldn't be able to testify correctly or
3 accurately today?

4 A. No. Everything is fine. I
5 don't have a reason.

6 Q. Have you taken any medication,
7 whether it's prescription medication or
8 over-the-counter within the last twenty-four
9 hours that would interfere with your ability
10 to testify?

11 A. No. I'm not taking any
12 medication.

13 Q. I don't mean any offense in
14 asking you the next question. Have you
15 consumed any alcohol or illegal drugs in the
16 last twenty-four hours?

17 A. No.

18 Q. Have you ever been arrested
19 other than from this incident?

20 A. Yes. They arrested me early in
21 the morning, the 18th.

22 Q. Other than that, okay, which
23 you are talking about October 18, 2006?

24 A. Yes.

25 Q. Other than that, have you ever

been arrested before that?

A. No.

Q. In preparation for your testimony here, today, did you review any documents, or videos, or anything?

A. No.

Q. Other than your attorney, have you spoken with anyone about your testimony today?

A. No, only I talking with -- I saw a psychologist, and I went -- I can't talk about that. The problem is I don't like to talk about that with nobody. It's very hard for me that I saw, the feeling that I saw everything that day.

MS. SHERVEN: Move to strike the nonresponsive portion.

Q. When you say you talked to a psychologist, did you talk about what happened, or what you were going to testify about today?

A. No, what happened. I went to the psychologist.

Q. Is it a psychiatrist or

A. GOMEZ

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psychologist?

A. I'm not sure.

Q. What is the doctor's name?

A. I don't know the name, here, because I went one time, and I feel so bad. And he told me that I have to go back and he help me, but it's very hard for me talking about this situations, October 17, and I stop going there.

Q. So, you haven't been back other than that one time?

A. One time.

Q. Where was it that you went if you remember, the medical facility?

A. It's here in Lake Street in White Plains.

Q. Do you remember the name of the medical facility?

A. No.

Q. Was it a private doctor?

A. Yes. That's a building.

MS. SHERVEN: I'm going to request an authorization for those records.

A. GOMEZ

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Q. When was it approximately that you saw that doctor?

A. Well, when everything happened in the 17th. I'm very nervous. I'm very scary about everything and as soon it pass 5:00 o'clock in the afternoon, dark, I can't go out. I'm very nervous. I cry a lot. I lose in one week around ten or eleven pounds when everything happened.

MS. VOLPER: I'm going to stop you right there. Just listen to her question.

MS. SHERVEN: I'm going to move to strike as nonresponsive.

Q. When did you see this doctor is my question?

A. About one month.

Q. One month after October 17, 2006?

A. Yes.

Q. So, sometime in approximately November of last year?

A. No. I saw I think I saw in this year, because my private doctor send

A. GOMEZ

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me, but I can't go because I'm very nervous talking about what happened.

Q. When you say your private doctor, are you referring to Doctor Carniciu?

A. Yes.

MS. SHERVEN: I'm also going to call for an authorization for her medical records.

MS. VOLPER: Yes, okay.

Q. When was it that your doctor referred you?

A. I went there one month, I think.

Q. One month ago?

A. One month ago.

Q. So, maybe, February?

A. February, something like that, early February.

Q. Do you have plans to go back to the other psychiatrist?

A. No.

Q. Did the psychiatrist or psychologist prescribe any medications for

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A. GOMEZ

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you?

A. No, not at the time because it was only one day.

Q. What do you mean when you say another time?

A. No, I say not at the time, because he see me only one time.

Q. Not at the time?

A. Yes.

Q. Have you spoken with your medical doctor about going to see another psychiatrist or psychologist?

A. (No response.)

Q. Can you answer verbally, please.

A. No.

Q. Can you state your full name for the record, please?

A. My phone number.

Q. Full name.

A. Awilda Nigtala.

Q. Can you spell that?

A. N-I-G-T-A-L-A Gomez.

Q. And Nigtala is your middle

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A. GOMEZ

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name?

A. Nigtala is my middle name.

Q. What was your maiden name?

A. On 2-20-64. My middle name?

Q. Your maiden name.

A. Cadet C-A-D-E-T.

Q. C-E --

A. -- A-D-E-T, Cadet.

Q. You're married to Mario Gomez,
correct?

A. Yes.

Q. How long have you been married,
approximately?

A. Around, I'm living together
around twenty-four, and I'm married
twenty-three.

MS. VOLPER: I'm sorry. I just
want to clarify that. You've been
married for twenty-three years or you
got married at twenty-three.

THE WITNESS: Twenty-three.

MS. VOLPER: You got married at
twenty-three?

THE WITNESS: Yes, and my

A. GOMEZ

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daughter is twenty --

MS. VOLPER: So, how many years
have you been married for?

THE WITNESS: Let me see,
because my daughter's twenty-two.
I'm married twenty-one.

MS. VOLPER: You're married for
twenty-one years.

THE WITNESS: Yes. But I've
together for --

Q. You've been together for
approximately twenty-four years?

A. Around twenty-three,
twenty-four, yeah.

Q. And you have three daughters
with Mario, Correct?

A. Three daughters.

Q. How long have you lived at your
current address?

A. In this address?

Q. At the 1 River Plaza.

A. I'm living around eighteen.

Q. Eighteen years?

A. Yes.

A. GOMEZ

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Q. How old are you?

A. Forty-three.

Q. When is your date of birth?

A. 2-20-64.

Q. What is your Social Security
number?

A. 073-70-2735.

Q. Are you a United States
citizen?

A. Yes.

Q. When did you become a citizen?

A. In July 1999 I think, yes.

Q. How tall are you?

A. They say 5'4. I don't think
so, all my papers.

Q. Approximately, how much do you
currently weigh?

A. Now, a hundred and eight
pounds.

Q. Approximately, how much did you
weigh on October 17th of 2006?

A. A hundred sixteen, seventeen,
that's my normal weight.

Q. So, you lost approximately

A. GOMEZ

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eight pounds?

A. Yes.

Q. Was that a planned weight loss?

A. I lost in the first week, the 17th, October 17th to when my husband in jail.

MS. VOLPER: Could we just clarify one thing. I'm not sure if you completely understood the question.

The attorney asked you had you planned to lose weight?

A. No. No. No. I lost that weight, what I lost, I lost in the week of the 17th when my husband in jail. I try to come back to my normal weight.

Q. Have you seen a doctor regarding the weight loss?

A. I see the doctor.

Q. But when you've seen the doctor, have you mentioned any concerns about losing weight?

A. About losing weight, but he say there, the reason that I lose weight, my

A. GOMEZ

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2 life, you know, everything changes with me.
3 It's nothing that I'm sick or nothing like
4 that. It's everything around the problem.

5 Q. What is your highest level of
6 education?

7 A. I need only eighteen credits
8 for finishing my Bachelor.

9 Q. Where did you graduate from
10 high school then?

11 A. In Dominican Republic.

12 Q. Where did you take the other
13 credits that you've taken for college?

14 A. I take it here.

15 Q. In the United States?

16 A. Yes, Mercy College, Dobbs
17 Ferry.

18 Q. What degree or what Bachelor
19 were you trying to obtain?

20 A. In science, in education,
21 Bachelor in Science Education.

22 Q. To become a teacher?

23 A. Yeah.

24 Q. When was the last time that you
25 took courses in science education?

A. GOMEZ

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A. A long time.

Q. Are you currently working?

A. No. I lose my job.

Q. When did you lose your job?

A. February 27, 2007.

Q. Are you currently looking for a
new job?

A. I need a job bad. It's hard
for me finding the job that I doing.

Q. Where were you working?

A. I working in Family Service of
Westchester in Star Program.

Q. What was your job title?

A. I'm Family Advocate and
Volunteer Coordinator.

Q. How long did you work for
Family Services?

A. For Family Service around,
well, my job changed to different
organization. I'm working for nine years.

Q. Just so we're clear, you're
looking for a similar type of position
currently?

A. That's only what I like to do.

A. GOMEZ

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Q. Have you had any interviews?

A. I went in two interviews, but they ask me the same question. You've been arrested. I had to say, yes, and they not call me. And I'm very sad about this, because I lose my job for this problem.

MS. SHERVEN: I move to strike as nonresponsive.

Q. What happened on February 27, 2007, that you lost your job?

A. This not happened February 27th. This coming that as soon as they see in the newspaper the article in December -- hold on -- in November 1st and 2nd, they started problem with me coming.

Q. You're physically referring to the newspaper articles from November 1st and 2nd of 2006 concerning your husband's arrest; is that correct?

A. And my arrest, yes.

MS. SHERVEN: If I didn't mention this, I'm going to call for the production of the two newspapers articles.

A. GOMEZ

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2 Q. Have you, yourself, seen those
3 newspaper articles?

4 A. They see.

5 Q. Have you seen the articles?

6 A. Oh, yes, I see. They show me.

7 Q. When you say "they", are you
8 referring to someone at your job?

9 A. Yes.

10 Q. Remember just answer every
11 question verbally. Was there a specific
12 person at your job who showed you the
13 articles?

14 A. The director and my supervisor.

15 Q. Who is the director?

16 A. Barbara Summer.

17 Q. And your supervisor?

18 A. Heather Barton, something like
19 that.

20 Q. When did you become aware of
21 these newspaper articles?

22 A. On December 2nd.

23 Q. You mean November 2nd?

24 A. November 2nd. They made a
25 meeting with me and show me and told me

A. GOMEZ

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1 about my position, and this is not good for
2 the organization. And I tried to explain
3 that I not do anything. I feeling I went in
4 the wrong place in the wrong moment. That's
5 what happened to me, because I'm not doing
6 anything wrong.
7

8 Q. When you say they had a
9 meeting, do you mean Miss Summers and Miss
10 Barton and yourself?

11 A. And Jerry Goldberg.

12 Q. Who is Jerry Goldberg?

13 A. She's working with me too.

14 Q. A co-worker, or does she have a
15 higher position?

16 A. Higher position. I working for
17 all three.

18 Q. What happened at this meeting?

19 A. What happened at this meeting,
20 everything change.

21 Q. How so?

22 A. They tried to because when they
23 made the meeting, they told me everything.
24 I say I don't want to loose my job for this
25 reason, and I call -- I had to call my

A. GOMEZ

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1 lawyer. When they listen about the lawyer,
2 they no want something big coming. They
3 stop a little, okay, the week.
4

5 But this problem affect me a
6 lot emotional for the first two months I'm
7 scared about everything. And sometime I'm
8 explain my supervisor my situation, and they
9 take a little things one day I come in late,
10 oh, you have to sign this paper because you
11 coming late. It never happened to me in
12 nine years.

13 And the other reasons I'm
14 coming here one day, and I told my
15 supervisor she talking with somebody, and I
16 take too long, and they don't know what I'm
17 going. You know, they take a little reasons
18 and put my sign two different papers. But
19 you ask for the record everything coming,
20 then November 2nd to February, you know.

21 In February, she called me
22 early in the morning the 26th, and the
23 school close because it's a snow day.
24 Barbara Summer called me to my phone. In
25 the afternoon she called me again with

A. GOMEZ

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1 before that you're going to the main office
2 because I need to talk to you.
3

4 When I was there, she not tell
5 me really, this, oh, you have too many
6 things, and this is a business. And I think
7 sign you're looking for something different,
8 and I'm out with the organization, you know.

9 I not signing anything at the time
10 and she told me pick all your things off
11 your desk and you're not working here for
12 this organization.

13 MS. VOLPER: This was on
14 February 27.

15 THE WITNESS: Yes.

16 Q. At that meeting on February 27,
17 did she say anything about your husband's or
18 your arrest from October 17, 2006?

19 A. She's a smart. She not say
20 anything but I know that's the reason,
21 because you see all my evaluation for years,
22 I don't have any problems. You ask for
23 record, I no have nothing in my records that
24 I come in late, that I do this. Only it
25 started from November to February.

A. GOMEZ

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1 It's very clear for me
2 everything is around they no want to see
3 somebody that they have an arrest. I have
4 to go to the court.
5

6 Q. Have you spoken with an
7 attorney about any type of claim or action
8 against your former employer?

9 A. No. I'm very sad about that.

10 Q. Before November, had you ever
11 been written up for being late or any other
12 type of problems?

13 A. No. I no have a problem with
14 nobody. They looking for little things and
15 excuse and put me out with the program.

16 Q. Have you filed any type of
17 complaint with anyone regarding your
18 employer?

19 A. No.

20 Q. Do you have plans to file any
21 complaint about your employer?

22 A. Oh, yes, yes. I have to do
23 something. That's not fair. I lose my job
24 for this reason when I not do anything. And
25 it's very funny the Detective do everything

A. GOMEZ

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they want, and he have her job. Everybody
continue her job.

MS. SHERVEN: Move to strike
the portion that's nonresponsive.

Q. Have the police ever been to
your home for any type of official
investigation?

A. No.

Q. Have you ever called the police
to report any domestic violence within your
home?

A. No.

Q. Has your husband ever hit you?

A. Wait a minute. I'm here for
the case or for my life? He not hit me.

MS. VOLPER: Hold on.

A. I'm very sad.

MS. VOLPER: Hold on. Would
you like to take a break?

THE WITNESS: No. She ask me
about my job, she's ask me about
personal things.

MS. VOLPER: We're here to
investigate what happened surrounding

A. GOMEZ

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the assault. I would request that you stick to questions about the incident and about her job only that are relevant to this case.

MS. SHERVEN: With all due respect, these questions are relevant. If you direct her not to answer, the refusal to answer to the question could be deemed noncompliance with the 50-h, and not answering questions --

A. -- no, he not hit me. You want a listen about that. But it's perverted talking about this situation and my job, because I think that's the reason that I'm here.

Q. Have you ever been diagnosed suffering from any kind of psychiatric injury or illness?

A. What did you say?

Q. Have you ever been diagnosed by a doctor or a medical professional with any type of psychiatric problem?

A. No. I no have any problems.

A. GOMEZ

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1 Q. What about your husband; do you
2 know has he ever been diagnosed with any
3 type of psychiatric problems?
4

5 A. You don't have a meeting with
6 my husband?

7 Q. I'm asking you.

8 A. I prefer you ask my husband
9 about my husband.

10 Q. Your attorney will instruct
11 you?

12 MS. VOLPER: She's going to ask
13 you basic background questions like
14 we talked about, and just answer to
15 the best of your ability.

16 THE WITNESS: Okay.

17 Q. Has your husband ever suffered
18 from any type of psychiatric illness as far
19 as you know?

20 A. Yes.

21 Q. What type of illness has your
22 husband suffered from?

23 A. He went about a couple of years
24 because he have a problem he seek, and
25 everything when he seek he find out what he